

215133



November 9, 2005

VIA UPS NEXT DAY AIR

Mr. Vernon Williams, Secretary
 Surface Transportation Board
 1925 "K" Street, N.W., Room 504
 Washington, DC 20423-0001



**RE: Docket No. AB-33 (Sub-No.228X), Union Pacific Railroad Company
 - Abandonment Exemption - Holtville Industrial Lead from Milepost 711.90
 near El Centro to Milepost 703.26 at Holtville and from Milepost 702.72 to
 Milepost 703.46 near Holtville, a total distance of 9.38 miles in Imperial
 County, California**

Dear Mr. Williams:

Pursuant to the Board's exemption procedures for abandonment of rail lines with no local business for at least two years, (49 C.F.R. 1152.50), enclosed are an original and ten (10) copies of a verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33(Sub-No. 228X). Enclosed is payment form in the amount of \$3,000.00 for the filing fee required by 49 C.F.R. 1152.50 . Three (3) computer disks in Word format are included for the Board's use.

ENTERED
Office of Proceedings
NOV 14 2005
Part of
Public Record

Sincerely yours,

Enclosures

O:\ABANDONMENTS\33-228x\STB-Notice-Ltr

FEE RECEIVED

OCT 10 2005

**SURFACE
 TRANSPORTATION BOARD**

FILED
NOV 10 2005
**SURFACE
 TRANSPORTATION BOARD**

Mack H. Shumate, Jr.
 Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
 101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
 ph. (312) 777-2055 fx. (312) 777-2065

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 228X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN IMPERIAL COUNTY, CALIFORNIA
(HOLTVILLE INDUSTRIAL LEAD)

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NOTICE OF EXEMPTION

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UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: November 9, 2005
Filed: November 10, 2005

ENTERED
Office of Proceedings

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Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 228X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN IMPERIAL COUNTY, CALIFORNIA
(HOLTVILLE INDUSTRIAL LEAD)

NOTICE OF EXEMPTION

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights, for an exempt abandonment of the Holtville Industrial Lead from Milepost 711.90 near El Centro to Milepost 703.26 at Holtville and from Milepost 702.72 to Milepost 703.46 near Holtville, a total distance of 9.38 miles in Imperial County, California (the "Line").

Proposed Consummation Date: 49 C.F.R. § 1152.50 (d)(2)

The abandonment is proposed to be consummated on or after December 30, 2005 (at least 50 days after filing the Notice of Exemption).

Certification: 49 C.F.R. 1152.50(b)

UP certifies that no local traffic has moved over the Line for at least two years; and that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period. UP further

certifies that there is no overhead traffic on the Line. There are no shippers on the Line that will be adversely affected by the proposed abandonment. Authorization to discontinue rail service on the Line was obtained in 1995 in proceeding AB-12 (Sub-No. 157X0. Records indicate that tariffs were cancelled in December 1995. UP is seeking final abandonment authority to permit salvage of the track and disposal of the right-of-way.

Additional Information Required: 49 C.F.R. 1152.22(a)(1), (4), (7)-(8) and (e)(4)

(a) General.

(a)(1) The railroads' exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to abandon the Line from Milepost 711.90 near El Centro to Milepost 703.26 at Holtville and from Milepost 702.72 to Milepost 703.46 near Holtville, a total distance of 9.38 miles. The Line is located in or near the City of Holtville, Imperial County, California.

(a)(4) A map showing the location of the Line in conjunction with other rail lines, highways and major roads in the area is attached hereto as **Exhibit A** and hereby made a part hereof.

(a)(7) The representative to whom correspondence regarding this abandonment should be sent is:

Mack H. Shumate, Jr., Senior General Attorney
Union Pacific Railroad Company
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

(a)(8) ZIP Code. The Line traverses U. S. Postal Service Zip Codes 92243, 92244 and 92250.

(e)(4) Rural and Community Impact. The Line from Milepost 711.90 to Milepost 703.26 was constructed in 1904 by the Holton Interurban Railway Company. This portion of the Line is laid primarily with 90 pound rail with a few small segments of 80 and 112 pound rail. Connecting at M. P. 703.94 in Holtville is the other section of the Line, a remnant of a line to Sandia and Orita. For this segment, the connection point equates to Milepost 703.46 and the Line runs to Milepost 702.72. This segment was constructed by Southern Pacific in 1930 and is laid with 90 pound rail. Based on information in the UP's possession, the Line proposed for abandonment does not contain federally granted right-of-way.

The proposed abandonment will have no adverse effect on any customers. There will be no increase in rail traffic, rail yard activity or truck traffic as a result of the proposed action. There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes.

The abandonment will have no adverse effect on any shippers in that the Line was discontinued in 1995. There are no stations on the Line to be closed.

The property proposed for abandonment is not suitable for public purposes such as roads, highways, or other forms of mass transportation, conservation and energy production or transmission. This area is adequately served by State Highway 80, which parallels most of the railroad right-of-way. There is no restriction on

title, including no reversionary interests which would affect the transfer of title or the use of this property.

The UP is of the opinion that the proposed abandonment would be beneficial to the UP and will have no adverse effect on interstate commerce.

Any documentation so related to the Line, including real estate documentation relating to the Line in UP's possession, will be made available to those requesting it.

Labor Protection

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. -- Abandonment -- Goshen , 360 ICC 91 (1979).

Certifications

Attached hereto as **Exhibit B** and hereby made a part hereof is a Certificate of Service and Publication pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

Environmental and Historic Report

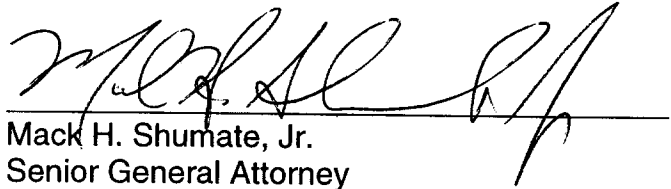
A copy of the Transmittal Letter of UP's Combined Environmental and Historic Report containing the information required by 49 C.F.R. §§ 1105.7 (e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached hereto as **Exhibit C** and hereby made a part hereof. The original and ten (10) copies were sent to Ms. Victoria Rutson, Section of Environmental Analysis (SEA), on May 11, 2005. The Combined Environmental and Historic Report indicates that the proposed abandonment

does not involve historic properties. The Combined Environmental and Historic Report indicates that the Union Pacific was anticipating filing a Petition for Exemption for the abandonment of the Line. In light of the fact that STB authorization to discontinue rail service on the Line was obtained in 1995 and further that no rail traffic has in fact moved over the Line since December of 1995, certainly for more than two (2) years, it was determined that a Notice of Exemption rather than a Petition for Exemption was more appropriate.

Dated this 9th day of November, 2005.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", is written over a horizontal line.

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

VERIFICATION

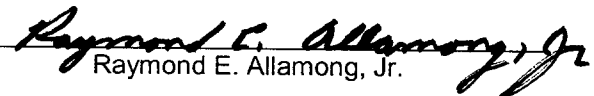
STATE OF NEBRASKA)

COUNTY OF DOUGLAS)

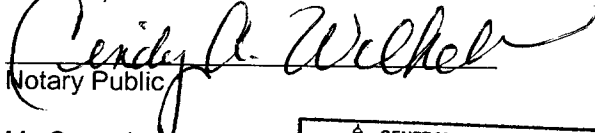
) ss:

I, RAYMOND E. ALLAMONG, JR., Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, I know that these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

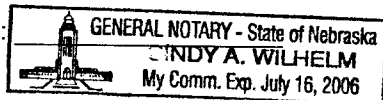
Dated at Omaha, Nebraska, this 19th day of October, 2005.


Raymond E. Allamong, Jr.

SUBSCRIBED AND SWORN TO
before me this 19th day of
October, 2005.

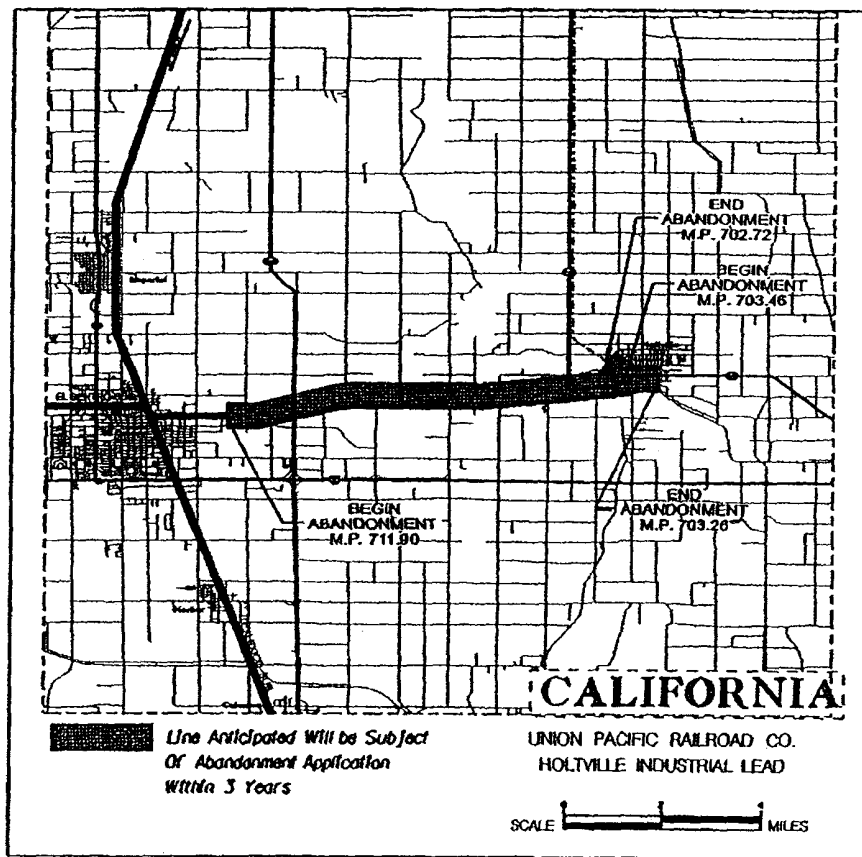

Notary Public

My Commission expires:



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AB-33(Sub-No. 228X)



AB-33(Sub-No. 228X)

DOCKET NO. AB-33 (SUB-NO. 228X)
Holtville Industrial Lead in Imperial County, CA

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on October 7, 2005 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the exemption notice procedure to abandon the Holtville Industrial Lead in Imperial County, California in Docket No. AB-33 (Sub-No. 228X). Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

California Public Utilities
Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

National Park Service
Intermountain Region
12795 Alameda Parkway
Denver, CO 80228

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor, N.W., Auditors Building
14th St. & Independence Ave., SW
Washington, DC 20250

Department of Defense
Military Traffic Management Command
Transportation Engr. Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

49 C.F.R. § 1105.11 -

The undersigned certifies that on May 12, 2005 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 228X) for abandonment of the Tustin Industrial Lead in Orange County, California on the following:

- (1) State Clearinghouse (or alternate)

- (2) State Environmental Protection Agency
- (3) State Coastal Zone Management Agency
- (4) Head of each County
- (5) U.S. Environmental Protection Agency (regional office)
- (6) U.S. Fish and Wildlife Service
- (7) U.S. Army Corps of Engineers
- (8) National Park Service
- (9) U.S. Natural Resources Conservation Service
- (10) The National Geodetic Survey
- (11) State Historic Preservation Office
- (12) Other Agencies Consulted (as listed)

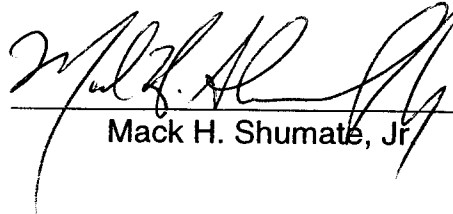
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.

49 C.F.R. § 1105.12 - Newspaper Notice

The undersigned further certifies that a "Notice of Intent to Abandon was published in the form prescribed by the Board for a Notice of Exemption. The notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Imperial	<i>Imperial Valley Press</i>	October 12, 2005

Dated this 9th day of November, 2005.


Mack H. Shumate, Jr.



October 7, 2005

California Public Utilities
Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor, N.W., Auditors Building
14th Street & Independence Ave., SW
Washington, DC 20250

National Park Service
Intermountain Region
12795 Alameda Parkway
Denver, CO 80228

Department of Defense
Military Traffic Management Command
Transportation Engr. Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

**RE: Docket No. AB-33 (Sub-No.228X), Union Pacific Railroad Company
- Abandonment Exemption - Holtville Industrial Lead from Milepost 711.90
near El Centro to Milepost 703.26 at Holtville and from Milepost 702.72 to
Milepost 703.46 near Holtville, a total distance of 9.38 miles in Imperial
County, California**

Dear Sirs:

This is notice that Union Pacific Railroad Company ("UP") expects to be filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority for an exempt abandonment of the Holtville Industrial Lead from Milepost 711.90 near El Centro to Milepost 703.26 at Holtville and from Milepost 702.72 to Milepost 703.46 near Holtville, for a total distance of 9.38 miles in Imperial County, California (the "Line").

The Line traverses U. S. Postal Service Zip Code 92243, 92244 and 92250. The proceeding will be docketed as No. AB-33 (Sub-No. 228X).

The "no business" exemption procedure will be used to abandon the Line, pursuant to the abandonment regulations of the Surface Transportation Board at 49 C.F.R. Section 1152.50. No local traffic has moved over the Line in at least two years and there is no overhead traffic on the Line. A Notice of Exemption will be filed with the Surface Transportation Board on or after October 17, 2005.

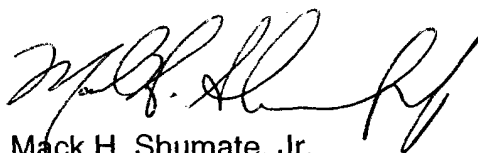
Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in the Railroad's possession will be made available promptly to those requesting it.

A map showing the Line to be abandoned is attached, for your information as Attachment 1.

Sincerely,

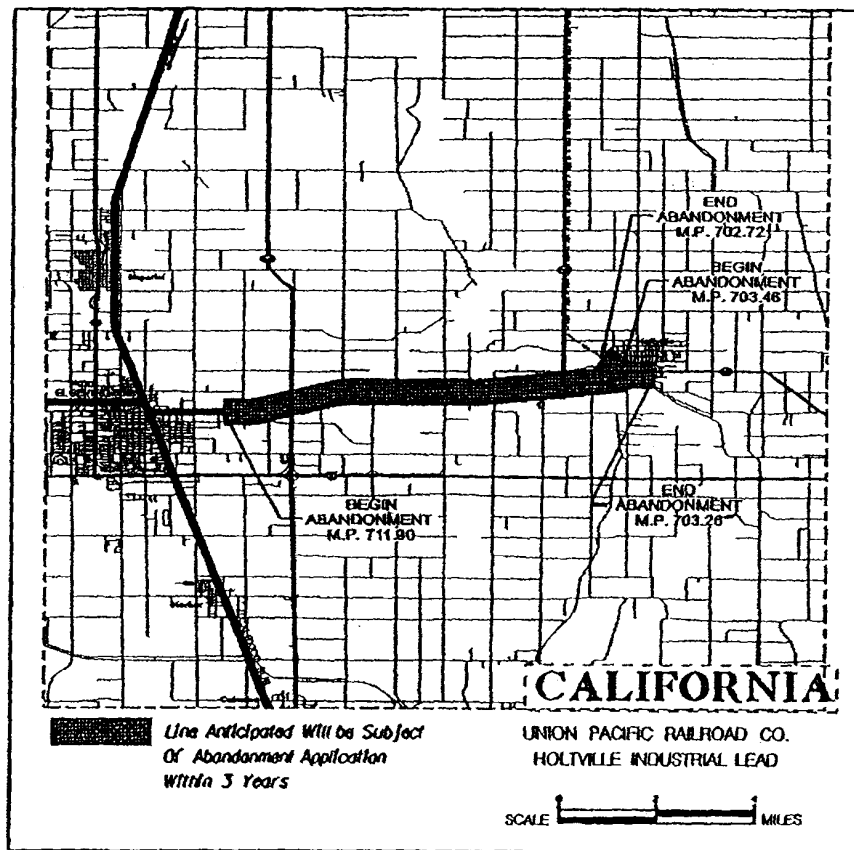
A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", with a stylized flourish at the end.

Mack H. Shumate, Jr.
Senior General Attorney

Enclosure

O:\ABANDONMENTS\33-229\10-Day-Ltr

ATTACHMENT 1





FILE COPY

May 11, 2005

VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

RE: Docket No. AB-33(Sub-No.228X), Union Pacific Railroad Company
- Abandonment Exemption - - In Imperial County, California,
- (Holtville Industrial Lead)

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after June 1, 2005.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr." followed by a stylized flourish.

Enclosures

O:\ABANDONMENTS\33-228\STB-EHR.wpd

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

bcc: w/enclosures

Ray Allamong, Mailstop 1350
Lynda Prucha, Mailstop 1580
Jim Harrel, Mailstop 1690
Joe Bateman, Mailstop 1560
Joel Strafelda, Mailstop 1560
Mark Schulte, Mailstop 1690
Mike Sattler, Mailstop 1690